

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:11-cv-00676-W**

**DARAMIC, LLC, and MP ASSETS
CORPORATION,**

Plaintiffs,

vs.

ENTEK INTERNATIONAL, LLC,

Defendant.

ORDER

THIS MATTER is before the Court on Plaintiffs' Motion for a Preliminary Injunction (Doc. No. 26) and Plaintiffs' two Motions to Dismiss (Docs. Nos. 47, 53). The Court conducted a hearing on these motions on August 16, 2012, whereby the Court received oral argument and subsequently issued an oral ruling on the pending motions.

IT IS THEREFORE ORDERED that for the reasons stated in open Court, Plaintiffs' Motion for a Preliminary Injunction (Doc. No. 26) is DENIED AS MOOT. After Plaintiffs had filed their first motion to dismiss (Doc. No. 47), Defendant filed an Amended Answer to the Complaint and Counterclaims (Doc. No. 52) thereby mooting the first motion to dismiss. Accordingly, that first motion (Doc. No. 47) is DISMISSED AS MOOT. For the reasons stated in open Court, Plaintiffs' second motion to dismiss (Doc. No. 53), filed in response to Defendant's amended pleading, is GRANTED IN PART and DENIED IN PART.

IT IS SO ORDERED.

Signed: October 5, 2012



Frank D. Whitney
United States District Judge

